IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2375 of 2005

Between:

1 Tata Subbarao, s/o Basavayya,
r/o Mandapakala, Koduru Mandal, Krishna District.
2 Bellamkonda Venkateswara Rao, s/o Nancharayya,
r/o Mandapakala, Koduru Mandal, Krishna District.

... PETITIONERS

AND

1 The District Collector, Krishna District, Chilakalapudi, Machilipatnam.
2 The Mandal Revenue Officer, Koduru, Krishna District.
3 Mandapakala Gram Panchayat, represented by its Sarpanch, Mandapakala, Koduru, M.Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly a writ of mandamus, declaring the inaction on the part of the respondents as illegal and ultra vires the provisions of Article 14 of the Constitution of India besides directing the respondents to take appropriate action for removal of the encroachments made in the tank situated in R.S.No.191 being an extent of Ac.1.28 cents (Pedda Dibba Cheruvu), situate at Mandapakala Gram Panchayat, Koduru Mandal, Krishna District.

Counsel for the Petitioners: MR.V.S.R.ANJANEYALU

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.2375 OF 2005

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the inaction on the part of the respondents in removing the encroachments made in an extent of Ac.1.28 cents (Pedda Dibba Cheruvu) situated in R.S.No.191 of Mandapakala Gram Panchayat, Koduru Mandal, Krishna District as arbitrary and illegal.

The petitioner alleges that the land to an extent of Ac.1.28 cents (Pedda Dibba Cheruvu) situated in R.S.No.191 of Mandapakala Village is encroached by various persons unauthorisedly at the instance of the local political rivals and they have also made constructions thereon high-handedly. In fact, the Mandal Surveyor, Koduru has conducted a survey on 27-04-2002 and on the same day a Panchanama was drafted. However, the respondents have not evinced any interest in taking further steps and the encroachments have not been removed. The petitioner and other villagers made a representation dated 12-10-2004 to the 2nd respondent – Mandal Revenue Officer, Koduru, Krishna District, narrating the inconvenience being faced by them since the land in question, known as Pedda Dibba Cheruvu is being used for the benefit of the entire village community. In spite of the same, the 2nd respondent failed to take any steps so far. Hence, this writ petition.

I have heard the learned Counsel for both the parties and perused the material on record.

Since admittedly the representation made by the petitioner dated 12-10-2004 is pending before the 2nd respondent, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent - Mandal Revenue Officer to consider the representation of the petitioner dated 12-10-2004 and to pass appropriate orders in accordance with law after affording due opportunity to all the persons concerned to rebut the allegations made by the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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15th April, 2005.

gbs

To

1 The District Collector, Krishna District, Chilakalapudi, Machilipatnam.
2 The Mandal Revenue Officer, Koduru, Krishna District.
3 Mandapakala Gram Panchayat, represented by its Sarpanch, Mandapakala, Koduru, M.Krishna District.

4 Two C.Cs. to the G.P. for Panchayat Raj, High Court buildings, Hyderabad. (OUT)

5 Two C.D. copies.